

Message Text

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SUBJ: POSSIBLE GOC RESTRICTIONS ON U.S. OWNERSHIP AND CONTROL
IN CANADIAN TRANSPORT (LAND, SEA AND AIR)

REF: OTTAWA A-45, JANUARY 23, 1976

1. A. KENNETH MACLAREN, EXECUTIVE DIRECTOR OF CANADIAN TRUCKING ASSOCIATION, HAS GIVEN TCO COPY OF MINISTRY OF TRANSPORT PAPER ENTITLES "POLICY LEGISLATION PROPOSALS" RECENTLY CIRCULATED TO INDUSTRIAL GROUPS FOR COMMENT AS GOC PREPARES LEGISLATION TO IMPLEMENT 1975 NATIONAL TRANSPORTATION POLICY STATEMENT (OTTAWA A-523, AUG 8,1975). DOCUMENT DEALS WITH RAILWAY FREIGHT RATES, MINISTRY OF TRANSPORT/CANADIAN TRANSPORT COMMISSION RELATIONSHIPS, AND THE REVISION OF THE POLICY STATEMENT ON TRANSPORT PRESENTLY CONTAINED IN SECTION 3 OF THE NATIONAL TRANSPORT ACT OF 1967.

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2. FULL TEXT OF DOCUMENT WILL BE FORWARDED BY AIRGRAM BUT EMBASSY WISHES TO CALL SPECIAL ATTENTION

TO INCLUSION OF LANGUAGE IN DRAFT REVISION OF NTA
POLICY STATEMENT RELATING TO DESIRABILITY OF CANADIAN
CONTROL OF PRIVATELY OWNED TRANSPORT CARRIERS. AMONG
THE " PROPOSED PRINCIPLES APPLICABLE TO IMPLEMENTATION
OF THE OBJECTIVE IF THE TRANSPORTATION POLICY" IS
CONTAINED THE FOLLOWING:

"E) IN THE PROVISION OF TRANSPORTATION SERVICES THERE
SHOULD BE:

(I) OPPORTUNITY FOR BOTH PUBLIC OWNERSHIP AND PRIVATE
OWNERSHIP OF CARRIERS WITH CANADIAN CONTROL OF PRIVATELY
OWNED CARRIERS BEING AN OBJECTIVE, AND

(II) NATIONAL, REGIONAL AND LOCAL CARRIERS, AND ANY
CONFLICT BETWEEN PUBLIC AND PRIVATE OBJECTIVES SHOULD
BE RESOLVED IN FAVOUR OF THE PUBLIC INTEREST AND THE
INTEREST OF A TOTAL NATIONAL SERVICE."

3. MACLAREN INDICATED HIS ASSOCIATION WILL OPPOSE THIS
STATEMENT VIGOROUSLY AND HE EXPECTS MARITIME INTERESTS
(DOMINION MARINE ASSOCIATION) TO DO THE SAME. HE IS
PARTICULARLY WORRIED THAT ADOPTION OF THIS BROAD
LANGUAGE IN A LEGISLATIVELY ENACTED POLICY STATEMENT
WILL GIVE WIDE RANGE OF AUTHORITY TO GOVERNMENT TO
IMPLEMENT IT THROUGH ORDERS-IN-COUNCIL, MOT POLICY
DIRECTIVES TO CTC, AND CTC DECISIONS AS WELL AS
FIRA RECOMMENDATIONS IN PARTICULAR CASES BEFORE THEM.

4. COMMENT: EMBASSY SHARES MACLAREN'S CONCERNS
AND RECALLS THAT LEGISLATIVE BASE FOR CANADIAN RADIO-
TELEVISION AND TELECOMMUNICATIONS COMMISSION'S ACTIONS
INVOLVING DELETION OF COMMERCIALS FROM U.S. BORDER
TELEVISION STATIONS IS IN A SIMILAR LEGISLATIVE STATEMENT
OF POLICY OBJECTIVES CONTAINED IN 1968 BROADCASTING ACT.

5. RECOMMENDATION: EMBASSY RENEWS IS JANUARY
RECOMMENDATION THAT USG FORMALLY SEEK CLARIFICATION
FROM GOC OF THE LANGUAGE IN THE 1975 POLICY STATEMENT
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RESPECTING CANADIAN CONTROL. SUCH AS REQUEST COMPLEMENTING
REPRESENTATIONS BY AFFECTED INDUSTRY GROUPS MAY PRECLUDE
SUCH LANGUAGE APPEARING IN GOVERNMENT DRAFT
BILL WHEN PUBLISHED AND FROM WHICH GOC MIGHT FIND IT
DIFFICULT TO BACK OFF. IF WE CAN KILL THIS KIND OF
LANGUAGE NOW WE WILL OBLIGE PROBLEMS WHICH MAY ARISE
A FEW YEARS HENCE AS "MOTHERHOOD" STATEMENT SUCH AS
WHAT IS PROPOSED ARE TRANSLATED INTO CASE SITUATIONS
INVOLVING ADVERSELY AFFECTED U.S. FIRMS. EVEN THOUGH
IT IS UNLIKELY THAT SPECIFIC LEGISLATION WILL BE

INTRODUCED IMMEDIATELY UPON THE RECONVENING OF
PARLIAMENT ON OCTOBER 12, IT IS DESIRABLE THAT ANY
USG REQUEST FOR CLARIFICATION OF THE LANGUAGE BE
MADE PROMPTLY LEST THE PROCESS OF LEGISLATIVE
PREPARATION MOVE MORE RAPIDLY THAN WE ANTICIPATE.
ENDERS

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